

1 that this disclosure occurred?

2 A Yes.

3 Q Did you -- I'm sorry.

4 Were you ever present at any other times during  
5 therapy sessions with either Ann Link or Debbie Moore in  
6 which Katie made other disclosures of sexual abuse by  
7 her father other than this one you've just described?

8 A Not that I recall.

9 Q Okay. Did Ann Link or Debbie Moore ever report  
10 to you that Katie was making disclosures of sexual abuse  
11 by her father during therapy sessions that you were not  
12 present at?

13 A I believe we had conversations -- Ann Link and I  
14 had conversations with regard to what she was -- what  
15 Katie was talking about in therapy for the purpose of  
16 helping me to be able to respond to Katie when behaviors  
17 occurred.

18 Q Can you tell us, please, what some of those  
19 conversations or suggestions that you received from Ann  
20 Link about how to respond to Katie's behaviors based on  
21 what she was telling Ms. Link?

22 A She just said if, you know, she was doing  
23 something that you felt inappropriate, just remind her;  
24 let her know that, you know, that's not -- I don't know  
25 if she said that's not okay to do. I was told -- I was

Objection  
-Hearsay  
and  
double  
hearsay  
without  
exception

1 treated very delicately. And I was given information  
2 that would help my children to feel safe and  
3 comfortable. And then -- but I was also told that if  
4 they didn't want to talk about it, don't push it. If  
5 they did, be open to what they had to say.

Continued  
hearsay  
objection

6 Q Did you ever have concerns that Katie was  
7 engaging in excessive masturbation at any time?

8 A No.

9 Q Now, let's go to Matt and his therapists, Connie  
10 Nichols and James Cooper.

11 Did they ever share with you whether or not Matt  
12 was talking about sexual abuse by his father with  
13 those -- either of those therapists?

Objection  
-Hearsay  
and  
double  
hearsay.  
-Trying  
to insert  
expert  
testimony  
through a  
lay  
witness.

14 A Connie Nichols was his therapist before we were  
15 told that he was a party to it. When we found that out,  
16 she suggested he have a different therapist. So no with  
17 her. She treated him in a different manner.

18 As far as James Cooper, the only incident I  
19 remember was when I was invited in and he was talking  
20 about how a volcano builds within a child when things  
21 happen. And one of his therapy -- one of his ways of  
22 providing therapy was to -- he has a sandbox and the  
23 children were allowed to take pictures or draw pictures,  
24 do whatever they needed, and then light them on fire.  
25 It was sort of therapy, fire therapy.



1 Q That was the incident you described earlier  
2 about burning the picture?

3 A Correct.

4 Q You read through earlier today that Exhibit 27,  
5 which was the handwritten note by Shirley Spencer  
6 regarding statements that Katie made to Shirley.

7 After reviewing that document, can you tell us  
8 whether you thought the words that Shirley  
9 reported Katie as using sounded kind of like the way  
10 Katie would talk back then in 1984 when she was about  
11 five years old?

12 A Yes.

13 Q Do you think that that was true as well from the  
14 police reports that you read that were describing words  
15 Katie was using back then around age five?

16 A Yes.

17 Q Do you also think in reviewing the police  
18 reports that described Matt's disclosures of abuse that  
19 those reports seemed to be using words that Matt was  
20 using back during that time period when he was about  
21 eight or nine years old?

22 A Yes.

23 Q After Detective Krause would interview your  
24 children, would she usually meet with you afterwards?

25 A Yes.

Objection  
-No  
identificat  
ion of  
particular  
words,  
phrases, or  
even Krause  
reports.  
Lack of  
foundation.

1 Q Would she summarize what the kids had told her  
2 during her interviews of them on each occasion?

3 A Yes.

4 Q When she would give that summary, did you  
5 observe her to be looking at any notes that she had or  
6 was she just doing it off the top of her head?

7 A Sharon Krause always had notes.

8 Q So when she would give you those summaries,  
9 would she be flipping through her notes as she was  
10 summarizing it for you?

11 A Yes.

12 Q Do you recall any of those summaries of what  
13 Krause told you?

14 A I do not.

15 Q Okay. After having reviewed the police reports  
16 written by Detective Krause, do you have any reason to  
17 believe that the information reported in those reports  
18 is different in any way from what she summarized for you  
19 after each of those interviews?

20 A No.

21 Q I want to talk a little bit about Rhonda Short  
22 now, please.

23 Was that -- that incident where Ray Spencer had  
24 sex with Rhonda Short ever investigated by the police,  
25 to your knowledge?

Objection  
-Line 14  
states she  
does not  
remember -  
lack of  
foundation

See next  
page



Objection  
to page 95,  
line 21 to  
page 98,  
line 15  
regarding  
Rhonda  
Short.  
This  
testimony  
is objected  
to in  
Plaintiff's  
motion in  
limine,  
dkt. 202 at  
2-3. This  
testimony  
also  
contains  
inadmissibl  
e hearsay.

1 A No.

2 Q At the time, I mean.

3 A No.

4 Q Were there any interactions with your neighbors  
5 after that incident?

6 A No.

7 Q You don't recall where the family members for  
8 Rhonda Short confronted either you or Ray or both?

9 A I'm sorry. I thought you meant after it all  
10 occurred. Yes, it was, I think, about a week or so  
11 later. They called -- Rhonda's mother -- Rhonda's  
12 father called me at my house and said, "I need you to  
13 come over here." And I went next door. And when I  
14 walked in, she had an uncle and Rhonda and her mother  
15 and father were in the living room. And her father,  
16 Jerry Short, said, "When we were away, Ray raped  
17 Rhonda." And I said, "Whoa. Stop. Don't say another  
18 word. My husband needs to be in here." And I went  
19 outside and got him and brought him in.

20 Q What happened next?

21 A Rhonda sat on the couch and told us that she  
22 had -- he had called her and wanted her to come over.  
23 And when she got there -- I was in Sacramento with the  
24 children, with my son. I was pregnant with my daughter.  
25 And her parents were out of town. And she told that --

1 she told everybody in the room that she -- he had asked  
2 her to come over, and he had music on. And they were  
3 sitting on the couch and one thing led to another, and  
4 he raped her.

5 Q What was Ray Spencer's reaction while Rhonda  
6 Short was accusing him in the presence of her family  
7 members and you of having raped her?

8 A He said something to the effect of, "Rhonda, how  
9 could you say that?" And then he turned to her father  
10 and, "Jerry, how could I do that? How could you believe  
11 that?"

12 Q Did he deny having sex with her at all?

13 A I don't remember if he denied, but I know at one  
14 point he -- it was consensual, according to him.

15 Q Do you think it was during that meeting with  
16 Rhonda's relatives and her father that Ray Spencer was  
17 saying that he had consensual sex with his, as you said,  
18 17-year-old daughter?

19 A I believe it was during that conversation, but I  
20 can't remember if it was -- I'm sorry. I just -- I  
21 can't remember if that was specifically stated then. I  
22 do know that he was denying that anything had happened.

23 Q Okay. When you say "denying that anything  
24 happened," I'm trying to differentiate between  
25 consensual sex and non-consensual sex.



1 Was he denying that sex occurred at all or was  
2 he denying that non-consensual sex occurred?

3 A I believe he was denying non -- nothing had  
4 happened.

5 Q So he's saying no sex at all occurred?

6 A At that time, yes.

7 Q Okay.

8 A No. Excuse me. I would like to re -- rephrase  
9 that.

10 Q Sure.

11 A When -- I can't remember if it was after we went  
12 to their parents' house and went back to our home when  
13 he told me he didn't -- it wasn't rape; it was  
14 consensual. She came to him. I don't remember if he  
15 said that in front of them or just to me.

16 Q Okay. You earlier indicated that you were aware  
17 that Ray Spencer was unfaithful to you during your  
18 marriage.

19 A Correct.

20 Q Did he ever tell you how many times or did you  
21 have some understanding of how many different women it  
22 was that he had sex with while married to you?

23 A I can recall several incidences.

24 Q What's your best estimate of how many different  
25 women he was unfaithful to you with?

Objection  
to page 98,  
line 16 to  
page 99,  
line 19  
regarding  
alleged  
infidelitie  
s, Rhonda  
Short, and  
allegations  
regarding  
the  
Vancouver  
Police  
department,  
see Dkt.  
202 at  
2-6,  
14, and 21.

1        A I believe four or five that I know of.

2        Q Do you recall that one of those four or five  
3 women, aside from Rhonda Short, was a Ms. Staggman or  
4 Steigman that he was involved with during an undercover  
5 operation with the Vancouver Police Department?

6        A I don't recall that name, but I do recall him  
7 telling me that when he was undercover -- he came home  
8 one night and said his cover had been blown by a snitch.

9        Q Did he ever tell you that he was having sex with  
10 that person?

11       A No, he did not.

12       Q Okay. When Detective Halls from the Vancouver  
13 Police Department interviewed you in the course of the  
14 Internal Affairs investigation that Vancouver P.D. was  
15 conducting regarding Ray Spencer, do you recall giving  
16 him documents or letters or drafts of letters that Ray  
17 worked with you on to describe his involvement during  
18 that undercover operation?

19       A I don't recall.

20       Q Okay. You mentioned that in May of 1985, a few  
21 weeks after the first time you met Mr. Rule or were  
22 interviewed by him -- or the children were interviewed  
23 by him and Mr. Peters, you had plans to go up to  
24 Vancouver for the trial.

25       Did you actually leave San Francisco and head to

Objection  
- not a  
question;  
dkt. 202  
at 13.



1 Vancouver for the trial? Or did you ever get up to  
2 Vancouver after that interview by Mr. Rule and  
3 Mr. Peters is my question?

Continued  
objection

4 A Sacramento, you mean?

5 MS. FETTERLY: You said "San Francisco."

6 MR. FREIMUND: I beg your pardon, ma'am. I  
7 meant Sacramento. Thank you.

8 THE WITNESS: Yes, I believe we flew up. It was  
9 during -- I think it was during the week that trial was  
10 supposed to take place. I remember that we flew because  
11 United Airlines went on strike, and we had to take a  
12 puddle hopper to San Jose from Sacramento. And all  
13 three of us threw up in the very back and then we had to  
14 put all of our clothes that we threw up on -- because  
15 there were no bags. The pilots were right in front of  
16 us. There were no bags. So we put them into our  
17 coats -- or put our coats into these garbage bags that  
18 the cleaning lady in the bathroom at the airport had  
19 given us. And then we had to get on the flight to fly  
20 up to Vancouver.

Objection  
-  
irrelevant

21 BY MR. FREIMUND:

22 Q When you arrived at Vancouver, were your  
23 children interviewed by anybody during the entire time  
24 you were there for that trial?

25 A Not that I recall.

1       Q   During the interview a couple of weeks before  
2   that when Mr. Rule and Mr. Peters were there in  
3   Sacramento, did you have some understanding of who it  
4   was between the two of them that was interviewing your  
5   children? Was it Mr. Rule? Was Mr. Peters observing or  
6   was it vice versa or what?

7       A   I just saw through the glass and -- as far as I  
8   can remember, it was Mr. Rule asking questions, but I  
9   really don't have a clear recollection of it.

10      Q   Understandable. Now, I'd like to direct your  
11   attention to Exhibit 19, which is the letter your son  
12   asked you to write that's dated March 2nd, 2003.

13           Did you observe your son to read that letter  
14   before he signed it, or did he just scribble on it  
15   without reading?

16      A   He read it.

17      Q   Did he say anything, ask for any changes or  
18   anything like that before signing it?

19      A   No.

20      Q   How can you be certain he read it?

21      A   I watched him.

22      Q   Did he just kind of scan it, or did it look to  
23   you like he read it line by line?

24      A   I don't recall.

25      Q   Okay. When you -- you mentioned that you had

Objection  
-Dkt.  
202 at 15  
-Lack of  
foundatio  
n



1 said you were writing a letter and Matt said he would  
2 like you to write one for him.

3 Did any similar conversation related --  
4 regarding writing a letter to the governor occur with  
5 Katie at that time?

6 A I don't recall.

7 Q Okay. Give me one moment.

8 At the sentencing hearing for Ray Spencer, do  
9 you recall who else was present there? Shirley Spencer  
10 was there, too, wasn't she?

11 A That's correct.

12 Q Did you have any conversations with Shirley  
13 Spencer during that hearing or after -- before or  
14 afterwards that day?

Objection  
-calls for  
hearsay  
-not  
responsive

15 A I just remember sitting next to her, and I  
16 believe we were holding hands and listening to the  
17 sentencing. I don't recall having, you know, in depth  
18 conversations with her. There was just a sense of -- I  
19 felt a sense of relief.

20 Q Did you go or participate in the hearing that  
21 occurred in July of 2009 where your children testified  
22 in Clark County Superior Court regarding their  
23 recantations of abuse by their father?

24 A No.

25 Q When did you first learn that -- I'm going to

1 start with Matt first and then go to Katie.

2 When did you first learn that Matt was saying  
3 that the abuse never happened? Did he ever tell you  
4 that?

5 A He did the first -- when it first began. When  
6 the investigation first began.

7 Q Okay. So at first he denied any abuse. And  
8 then, I take it, your understanding is he later then  
9 disclosed the abuse after little Matt Hansen made  
10 disclosures; is that accurate?

Objection  
-Leading  
-Hearsay  
-Lack of  
foundation

11 A That's correct.

12 Q After he made those disclosures back in early  
13 1985, when was the first time after that that you became  
14 aware that your son, Matt, was saying the abuse did not  
15 happen with his father?

16 A I don't recall because we didn't discuss it very  
17 much, if at all. It was something that he discussed in  
18 therapy, and it was not something that he talked with me  
19 about very much.

20 Q When did you first become aware of it? Was it  
21 before or after this hearing in 2009 that Matt was  
22 saying it did not happen?

Objection  
-Lack of  
foundation  
-Nonresponsive

23 A I -- I'm sorry. I don't know.

24 Q Okay. Maybe you don't know the answer to this  
25 either, but I'd like to ask you the same question about



1 Katie.

2 When did you first become aware that Katie was  
3 saying her father did not sexually abuse her or at least  
4 she couldn't remember that he sexually abused her?

5 A That would have been around the time that we got  
6 information that he was being released or that he was --  
7 he'd been released on his -- with a conditional pardon  
8 or something. It was around that time.

9 Q So the first time you were aware where your  
10 daughter, Katie, was saying that she doesn't remember  
11 the abuse or that it didn't happen was after she was  
12 advised that her father was being released from prison?

13 A There was one other occasion. I had kept a  
14 journal, and she had asked to read it when she was about  
15 19. She read the journal over the weekend and brought  
16 it back and said, "That must have been very hard for  
17 you, Mom." And she said, "I don't remember anything."  
18 But -- I don't know if she said, "It must have happened"  
19 or "I believe it happened" or -- but I know she said, "I  
20 don't remember it happening." And then it was "That  
21 must have been hard for you."

22 Q Your recollection is, though, she said something  
23 like "It must have happened" or what? I didn't get  
24 that. I'm sorry.

25 A I just remember specific -- specifically her

Objection  
-Hearsay;  
speculati  
ve;  
nonrespon  
sive

1 saying "I don't remember, but that must have been hard  
2 for you." And I said, "Yes. It was hard for you, too."  
3 And I don't know -- I think she said something to the  
4 effect of -- that she indicated that it was possible  
5 that it could have happened from what she read from my  
6 journals, but I can't speak for her.

7 Q I understand that. Do you still have those  
8 journals?

9 A No, I do not.

10 Q What became of them?

11 A I don't know. They were -- my son borrowed  
12 them, and I didn't get them back.

13 Q Did you ask for them back from your son, Matt?

14 A I have not. But there was a lot of things  
15 occurring in his life. He was going through an issue  
16 with a girlfriend and moved into a friend's house and  
17 some other things going on. So I just never bothered  
18 him about it.

19 Q So far as you know, does Matt still have those  
20 journals?

21 A I don't know.

22 MR. FREIMUND: Okay. I know this has been very  
23 hard for you, Ms. Spencer, and I know you aren't here  
24 voluntarily. But I do appreciate taking the time to  
25 answer my questions. That's all I have for you. Thank

continu  
ed  
objecti  
on

Objection  
-Lack of  
foundation;  
hearsay

Objection  
-Not a  
question  
or witness  
testimony



1 you.

2 THE WITNESS: You're welcome.

3 EXAMINATION

4 BY MR. BOGDANOVICH:

5 Q Ms. Spencer, I'm Guy Bogdanovich. I'm Sharon  
6 Krause's attorney. And I have just a couple in  
7 follow-up.

8 Was Ray ordered to pay you child support --

9 A Yes.

10 Q -- as part of the divorce?

Objection - lines 8-23  
-Irrelevant  
-FRE 403

11 A Yes.

12 Q Okay. Did he pay that?

13 A He did.

14 Q Did he pay it until he was imprisoned?

15 A He did, except during the summers when I sent it  
16 back to him.

17 Q Was he -- well, why would you send it back to  
18 him?

19 A He told me that he needed it for child care.  
20 And since he had the children, I felt that was fair.

21 Q Okay. That wasn't part of the court order; that  
22 was just something you decided to do?

23 A Yes.

24 Q I would like you to tell me more, if you're  
25 able, about Ray's relationship with your two children

Deposition of Deanne Spencer

SPENCER VS. PETERS

1 back when you were still married and at the time that  
 2 you said it became a concern to you.

Objection  
 -Vague  
 question  
 -FRE 402  
 and 403

3 A It just mostly was a matter of -- he wasn't  
 4 around. I was aware that when we had family members up,  
 5 he was there. And he would, you know, have a good time  
 6 and play with all the kids. But on a day-to-day basis,  
 7 he wasn't around much.

Proper question and  
 answer highly  
 probative of  
 nature of  
 relationship with  
 children and  
 damages

8 Q Do you know what he was doing with his time?

9 A Working.

10 Q How about when he wasn't working; do you know  
 11 what he was doing?

12 A No, I do not.

13 Q Did I understand your testimony correctly that  
 14 when you came up to the Vancouver area in May of 1985,  
 15 the trip during which Jim Peters did the videotaped  
 16 interview with Kathryn -- did you say that it was just  
 17 you and Kathryn that came up?

Objection to  
 line 13  
 through page  
 108, line 5  
 -Irrelevant  
 and  
 unnecessary

18 A Yes.

19 Q What was done with Matt while you were up here  
 20 with Kathryn?

21 A I believe he was with his aunt and uncle in  
 22 Sacramento.

23 Q And which aunt and uncle would that have been?

24 A David and Shawn Spackman, my brother.

25 Q Do they still live in Sacramento?

\* Offered by defendants, if metis in issue about Peter's interview and type and handling  
 are denied



Deposition of Deanne Spencer

SPENCER VS. PETERS

1 A They do.

2 Q And I believe you said that the County had paid  
3 airfare for you and Kathryn for you to come up on that  
4 trip?

5 A Yes.

6 Q You were asked some questions by Ms. Fetterly  
7 about the videotaped interview in a break that occurred  
8 during the taping.

9 You had also testified that Sharon Krause was  
10 present for just the first few minutes of that taped  
11 interview and then she left.

12 Do you recall that?

13 A Yes.

14 Q Did you talk to Sharon Krause during the break  
15 and the taping?

16 A I don't remember.

17 Q Do you remember if you saw or talked to Sharon  
18 Krause immediately after the videotaped interview  
19 concluded that day?

20 A I believe I did.

21 Q Do you recall what was discussed?

22 A I do not.

23 Q Do you remember hearing any conversation among  
24 anybody, whether it's Jim Peters or the video operator  
25 or Sharon Krause, about what was going to be done with

Plaintiff  
agrees that  
line 6  
through page  
109, line 1  
should be  
submitted to  
the jury

1 the videotape when the interview ended?

2 A I don't remember. I don't recall.

3 MR. BOGDANOVICH: Thank you, Ms. Spencer.

4 That's all I have.

5 THE WITNESS: You're welcome.

6 MS. FETTERLY: Ms. Zellner?

7 MS. ZELLNER: I've got a few questions.

8 MS. FETTERLY: Do you want to take a --

9 THE WITNESS: (Witness shakes head.)

10 MS. FETTERLY: The witness said she doesn't need  
11 a break, Ms. Zellner, so --

12 MS. ZELLNER: Does or does not?

13 MS. FETTERLY: Does not.

14 MS. ZELLNER: Okay. Good.

15 EXAMINATION

16 BY MS. ZELLNER:

17 Q Ms. Spencer, would you tell me -- identify for  
18 the record all of the documents that you reviewed before  
19 today's deposition?

20 A Let's see. There was a couple -- the letter  
21 that I wrote for my son. That was 19. Exhibit Number  
22 11, the Utility Report from the Sheriff's Office.

23 Q Anything else?

24 A Give me a moment, please.

25 Q Yeah, you cut off. I just heard Exhibit 11 and



1 that was it.

2 A That's it so far. I'm reviewing the rest.

3 Q Just take your time.

4 A The letter that I wrote for my son.

5 Q Exhibit 19?

6 A That would be Exhibit 19.

7 Q Right.

8 A The Exhibit 26, just today. And I believe  
9 that's all that I can -- that I can see.

10 Q Now, tell me: The documents that you reviewed,  
11 who provided you with those documents?

12 A Patricia Fetterly.

13 Q And when did she provide you with the documents?

14 A When we met last night.

15 Q Tell me about your meeting last night. About  
16 what time did you meet?

17 A It was about 10:30.

18 Q And where did you meet?

19 A In the hotel lobby where she was staying.

20 Q How long did the meeting last?

21 A Until about 1:00 o'clock.

22 Q I want you to tell me about what was discussed  
23 in that meeting.

24 A Just that -- what to expect today.

25 Q What were you told?

1 A That -- who all would be present.

2 Q Okay.

3 A And that questions would be asked and then  
4 everybody who was also present, the other attorneys,  
5 would be given the opportunity to also ask questions of  
6 me.

7 Q What else?

8 A I -- I don't know.

9 Q Did you say you met from 10:30 p.m. until 1:00  
10 a.m.? Did I understand you correctly?

11 A Yes.

12 Q You met for two and a half hours.

13 Did you review the police reports with  
14 Ms. Fetterly?

15 MS. FETTERLY: Are you -- are you suggesting  
16 other than Exhibit 11, just so we're clear?

17 MS. ZELLNER: I don't know. I mean, I don't  
18 what she reviewed. She can just tell me.

19 BY MS. ZELLNER:

20 Q Did you review the police reports with  
21 Ms. Fetterly?

22 A I did not. I don't want to review anything -- I  
23 don't want to be here, just so that you know. I want --  
24 I did not want to do any more than I had to do.

25 Q I understand. I just want to know about the



1 two-and-a-half-hour meeting you had with Ms. Fetterly.

2 So my specific question was, did you review any  
3 police reports when you were with Ms. Fetterly?

4 A Just Exhibit 11.

5 Q Did you review Exhibit 19?

6 A Yes. I said that.

7 Q Okay. And did you review -- you reviewed  
8 Exhibit 26, today?

9 A Today, correct.

10 Q Okay. So tell me what else you talked about in  
11 your two-and-a-half-hour meeting.

12 A She was just asking some background questions  
13 and --

14 Q What kind of background questions?

15 A Just about what you heard today.

16 Q Okay. Anything else that you remember?

17 A No.

18 Q All right. You don't remember anything else?

19 A Just about what she said today.

20 Q So background questions. Any other subject  
21 matter you discussed with her?

22 A No.

23 Q So you have no recall of anything else other  
24 than what you've told me?

25 A Correct.

1 Q Let's go back to -- we're going to go back to  
2 some of these reports. Let's go to the Exhibit 1 --  
3 what we marked as Exhibit 1. It's the initial report on  
4 August 29th, 1994.

5 If you could get that report in front of you.

6 A I have it.

7 Q Okay. On the third page of that report -- let  
8 me let you turn to page 3.

9 A They're all marked page 1.

10 MS. FETTERLY: Just so the record is clear,  
11 Ms. Zellner, on the copy of this report that's been  
12 marked as Exhibit 1. There's some handwriting on it.  
13 We've had this come up in other depositions. There's  
14 also handwriting on some of the other police reports you  
15 might refer to. I just want to just state that for the  
16 record and make that clear.

17 MS. ZELLNER: I think we've clearly established  
18 that the handwriting doesn't belong to anyone that's  
19 been identified yet in the case. I'm not going to ask  
20 her about the handwriting.

21 MS. FETTERLY: I just want to clarify that the  
22 documents that I think you sent over for this  
23 deposition, some of those do have handwriting. But with  
24 that --

25 MS. ZELLNER: Did you get that cleared then? Is



1 there anything else you want to say about the  
2 handwriting?

3 MS. FETTERLY: No.

4 BY MS. ZELLNER:

5 Q Okay. Ms. Spencer, your daughter reported  
6 that -- in this initial interview with Detective Flood  
7 that one time while her dad was hunting, Kathryn said  
8 that her mom wanted her to rub her titties and peepee.

9 Do you see that?

10 A I am not finding it.

11 Q It's on page -- it's the third page of the  
12 exhibit. So there's one, two, and then there's three.  
13 And there's a paragraph that's indented. It's about ten  
14 lines long.

15 A Where it says "On Friday night"?

16 Q Yes.

17 A Okay.

18 Q And if you -- at the end of that paragraph,  
19 three lines up from the bottom, "One time while her dad  
20 was hunting"?

21 A Okay, I see it.

22 Q Did that happen? Is that a true statement?

23 A No, it is not.

24 Q So you would agree with me that Katie, in her  
25 very first interview with Detective Flood, was not

1 accurate; would you not?

2 A I don't know. I wasn't -- I didn't hear the  
3 interview. I wasn't there.

4 Q Well, if Katie said that, is that a true or  
5 false statement?

6 A This is a false statement.

7 Q So, then, if you would go two more pages, same  
8 exhibit, Exhibit 1.

9 A I have -- can I ask a question?

10 Q Actually, I'd rather that you could just answer  
11 my question.

12 A Okay.

13 Q But certainly if you need clarification, I  
14 will --

15 A I do need clarification on this statement.

16 Q That's fine.

17 A When she said "One time while her dad was  
18 hunting, Kathryn said that her mom wanted to rub her  
19 titties and peepee," I don't know what mom she's  
20 referring to because she called Shirley "Mom" also.

21 Q Okay. But certainly that doesn't apply to you,  
22 right? That incident never happened?

23 A It does not apply to me.

24 Q Okay. And then let's go to -- let's go to the  
25 very -- let's go to the next page -- at the top where it



1 starts -- it said, "She just kept insisting it was lots  
2 of times."

3 A I'm there.

4 Q Okay. Then let's go -- let's go down to the  
5 second paragraph from the bottom on that page. The one  
6 that starts "At this point."

7 A Yes.

8 Q Okay. It says, "At this point I was concerned  
9 for the welfare of the children. And it was possible  
10 that the mother was living with another man and that man  
11 was the one involved in the molest."

12 Do you see that?

13 A I do.

14 Q Is that a true statement? Were you living with  
15 anyone else at that time?

16 A I never lived with another man and there was no  
17 man in the house at that time, no.

18 Q All right. So, then, let's go to -- a little  
19 bit farther in the report. Let's go to the next page  
20 and then the following page, which ends with a short  
21 paragraph.

22 A Yes.

23 Q Matt is being interviewed at that point. Are  
24 you with me? It says, "I made contact with Matthew."

25 A Yes.

1 Q Okay. At the end of that paragraph, it says,  
2 referring to Matt, "He also indicated that his sister  
3 had not told him anything about this in the past but  
4 indicated she does tell stories and change her stories a  
5 lot. That's usually to get out of trouble."

6 My question is, would that be -- is that an  
7 accurate statement that Matt made? We're assuming he  
8 made this statement. But would that be accurate?

9 A I don't recall my daughter telling stories.  
10 We're talking about a long time ago. But as far as  
11 making up stories, nothing like this.

12 Q Okay. But we just -- a few minutes ago, I just  
13 read you a statement that Kathryn referred to her mother  
14 as wanting her to rub her titties and peepee. So --

15 A The word was "mom"?

16 Q Yeah, it is "mom."

17 A And she called both of us, Shirley and I, "Mom."  
18 So I don't know what mom she's referring to.

19 Q If she's referring to you -- I think you said  
20 that wouldn't be true. So that would be an example of  
21 making up a story?

22 A Unless she was talking about Shirley.

23 Q Again, we don't know if that happened with  
24 Shirley, right?

25 A Correct.



1 Q Okay. So then let's go to the next page, and  
2 we're still on the Flood report. It starts "After  
3 interviewing the children."

4 A Yes.

5 Q Okay. If we go down to the indented paragraph,  
6 the third paragraph, and it's prefaced by saying "The  
7 following is a brief summary of the information given by  
8 DeAnne Spencer."

9 A Yes.

10 Q Do you see that before the paragraphs are  
11 indented?

12 A I do.

13 Q It says, "I have not had any men come and stay  
14 at the house for quite a long time. There was a man  
15 that was there and bothered the children so I would not  
16 let a man stay in the house any longer. The children  
17 are never left alone with a man while they're with me."

18 Is that a true statement, that there was a man  
19 who had come to the house and bothered the children?

20 A There was a man that I dated briefly. And he  
21 was at the house one evening, I believe it was, and  
22 Matthew was doing homework. And I did not like the way  
23 he was working homework with him.

24 Q What was that man's name?

25 A Dan Davidson, I believe. I can't -- I believe.

1 Q His name was what?

2 A Dan Davidson, I believe.

3 Q Dan Davidson?

4 A Yes.

5 Q All right. If we go to Exhibit 2, that's the  
6 Utility Report. Let me know when you get there.

7 MR. BOGDANOVICH: Counsel, for my benefit and  
8 Mr. Freimund's here in Olympia, we didn't get copies of  
9 the things that you marked as exhibits.

Unnecessary  
information

10 Can you try to reference things by date and  
11 author also?

12 MS. ZELLNER: Yes. This is the Krause -- let me  
13 get the exact date. It's Bates stamp -- it starts with  
14 Bates stamp 30, and it's the Utility Report of Sharon  
15 Krause. It's dated 7/14/84 to 8/26/84.

16 BY MS. ZELLNER:

17 Q Okay. Ms. Spencer, if would you go to page 36  
18 of Exhibit 2.

19 MS. FETTERLY: Did you say 36, Counsel?

20 MS. ZELLNER: Yes, 36 of Exhibit 2.

21 MS. FETTERLY: Are you referring to the little  
22 Bates numbers?

23 MS. ZELLNER: Yeah, I am.

24 MS. FETTERLY: They are these little numbers  
25 down here.



1 THE WITNESS: Okay.

2 MS. ZELLNER: The little numbers on the bottom.

3 MS. FETTERLY: Because there aren't 36 pages in  
4 this document.

5 MS. ZELLNER: No. There's 36 pages up to that  
6 point in the exhibits or you can look at page 7 of 12.  
7 Either way.

8 THE WITNESS: Okay.

9 BY MS. ZELLNER:

10 Q Okay. If we go down to the third full  
11 paragraph -- it's an interview with Shirley Spencer.  
12 And it states "Shirley Spencer indicated that what she  
13 knew of the children's natural mother, DeAnne, led her  
14 to believe that the children were somewhat neglected.  
15 She talked of their clothing being worn out and dirty  
16 when they came to visit. She also mentioned that the  
17 children cried when they had to return to Sacramento to  
18 live with their mother."

19 Do you see that statement?

20 A Yes.

21 Q Do you agree with the statement that Shirley  
22 Spencer made to the authorities about your care of your  
23 children?

24 A I do not.

25 MS. FETTERLY: Ms. Spencer, the reporter just

1 indicated -- or the videographer -- there's five minutes  
2 left on the tape.

3 BY MS. ZELLNER:

4 Q I'm sorry. You say that you do not. Were your  
5 children, in fact -- was their clothing worn out and  
6 were they dirty when they visited Shirley Spencer?

7 A Never.

8 Q Do you have -- as you sit here today, do you  
9 have any idea why Shirley Spencer would make up  
10 something like that?

11 A I do not.

12 Q Would you say that -- were you and Shirley  
13 Spencer on good terms?

14 A I did not have a relationship with Shirley  
15 Spencer. I met her once.

16 Q Let's go to Exhibit 4, which is another Utility  
17 Report of Sharon Krause. It's dated 12/8/04. It's  
18 seven pages long. And I'd like you to go to page 2 of 7  
19 or Bates stamp 44.

20 A Okay.

21 Q If you go down three paragraphs -- this is an  
22 interview with Sharon Stone. It says, "She then  
23 indicated that when the children arrived for summer  
24 visitation in 1981, Kathryn had a sore apparently on the  
25 labium which necessitated Karen applying medication to



1 it. She advised me that Ray was upset about the sore  
2 and had called family court or something because of it."

3 You were aware of the sore, correct?

4 A No, I was not.

5 Q Okay. Were you aware that Ray had called family  
6 court to make some type of report?

7 A No, I was not.

8 Q Okay. Go down to the next paragraph. "Stone  
9 also advised, when the children visited in December of  
10 1981, they had lice."

11 Is that true, that in December of 1981, the  
12 children had lice?

13 A Not that I'm aware of.

14 Q So if Karen Stone reported that, that would be  
15 untrue?

16 A They didn't have them when they left my house.

17 Q Okay. If we go to page 3 of 7, the next page,  
18 Bates stamp 45 --

19 A Okay.

20 Q Okay. And the first full paragraph starts,  
21 "During the time I talked with Stone, she made several  
22 negative statements regarding DeAnne Spencer and when  
23 she knew of her."

24 Do you see that statement?

25 A I do.

Deposition of Deanne Spencer

SPENCER VS. PETERS

1 Q Okay. And if you could read through that  
2 paragraph, I want to ask you about that paragraph.

3 A I've read it.

4 Q Do you remember an incident in the presence of  
5 Sharon -- Karen Stone picking up the children and saying  
6 that you were too hot and tired to hug them?

7 A I never met Karen.

8 Q When she describes you as a very vindictive  
9 woman, do you know why she would think that?

10 A I do not.

11 Q She also describes the children as being dirty  
12 and unkempt when they came to visit.

13 Do you deny that?

14 A I deny that.

15 Q So if Shirley Spencer and Karen Stone have  
16 reported that your children were dirty and unkempt, that  
17 is untrue, correct?

18 A Correct.

19 Q Okay. Let's go back to the medical report that  
20 we talked about earlier, Katie's medical report.

21 We've marked that as Exhibit 3. Let me know  
22 when you've got to that point.

23 A I have it.

24 THE REPORTER: Counsel --

25 MS. ZELLNER: Yes.

Defts. object  
based on  
Plaintiff's  
failure to  
timely  
designate  
this  
testimony  
pursuant to  
LCR 31(e).

Plaintiff's  
response -  
Plaintiff did  
timely  
designate  
this  
testimony,  
subject to the



1                   THE REPORTER:    -- the videographer only has  
2   one minute left of tape.    Is this a good time for her to  
3   change tape?

4 MS. ZELLNER: Yeah, that will be great. How Objection  
5 long will it take? -Unnecessary  
information

6                   THE VIDEOGRAPHER: A couple seconds. We're  
7                   going to go off the record. It's 12:39 p.m.

8 (Off the record.)

9                    THE VIDEOGRAPHER: Okay. We're back on the  
10    record. It's 12:40 p.m.

11 MS. ZELLNER:

12 Q Ms. Spencer, if you would go to the second page  
13 of the medical report.

14 A Yes.

15 Q Do you see the drawings of the child?

16 A I do.

17 Q Let's look -- am I correct that your medical  
18 training is limited to dialysis; would that be correct?

19           A   I don't have medical training.   I worked in the  
20   office of a dialysis clinic.

21 Q Oh, I misunderstood. So did you have an  
22 administrative job?

23 A I did.

24 Q Okay. If you look at the writing on the left  
25 side of the second page of the medical report of your

Plaintiff has submitted a motion in limine seeking to bar Ms. Spencer from testifying about the Katie Spencer medical exam, see dkt. 202 at 21-22. If that motion is denied, plaintiff will supplement highlighting seeking to admit page 124, line 12 to page 126, line 25

Deft.  
object,  
Id. (see  
p. 123).

Plaintiff's response, Id. (see p. 123).

Deposition of Deanne Spencer

SPENCER VS. PETERS

Def't. object,  
Id.Plaintiff's  
response, Id.

1 daughter Kathryn, you notice that it says "pelvic."

2 Do you see that?

3 A I do.

4 Q And it says "No erythema."

5 Do you know what that is?

6 A I do not.

7 Q That is redness in the pelvis. Is it your

8 testimony that Kathryn's pelvis was not examined?

9 A That's correct.

10 Q So if Dr. McGee wrote that the hymen was intact,

11 it's your testimony that she never examined Kathryn to

12 determine if the hymen was intact, correct?

13 A That's correct.

14 Q And if Dr. McGee documented "No lacerations in

15 the pelvis," it's your testimony that she never examined

16 the pelvis?

17 A That's correct.

18 Q Okay. And if Dr. McGee documented "No swelling

19 in the pelvis," it's your testimony that she never

20 examined the pelvis for swelling, correct?

21 A Correct.

22 Q Okay. So if Dr. McGee contends that she did do

23 a pelvic examination, she's incorrect, right?

24 A Yes.

25 Q Let's go down a little farther where it



Deposition of Deanne Spencer

SPENCER VS. PETERS

Def't. object,  
Id.Plaintiff's  
response, Id.

1 indicates "Findings." If we go down to the  
2 "Cultures" -- one, two, three, four, five -- six lines  
3 down. "Cultures for gonorrhea performed."

4 Do you see that?

5 A I do.

6 Q And you note that there were -- this indicates  
7 cultures were taken from the genitalia.

8 Do you see that?

9 A I do.

10 Q And you're denying that happened?

11 A I am denying that. I also see that it says "Not  
12 done."

13 Q No. That isn't referring to that. That's the  
14 VD test. So it's marked "genitalia," "throat" and  
15 "anus." And then on the "VDRL," it's marked "Not done."

16 So if Dr. McGee will testify that there were  
17 cultures done for the genitalia, throat and anus, you're  
18 denying that cultures were taken from the vaginal area,  
19 correct, and the anus?

20 A Correct.

21 Q And do you have any explanation why Dr. McGee  
22 would write up inaccurate medical findings on her exam?

23 A I do not. You would have to speak to the  
24 doctor.

25 Q I have. All right.

1 Let's go to Exhibit 11, which is the Sharon  
2 Krause report dated 10/18/84. I want you to go, if you  
3 would, to page 8 of 22.

4 A Okay.

5 Q If you go to the first full paragraph, which  
6 extends to the bottom of the page. I want you to come  
7 down, if you would, about seven lines, where it says "I  
8 asked her if she knew" -- actually, let's start at the  
9 top.

10 "DeAnne Spencer related to me that the summer  
11 after she and Ray Spencer split up, in 1981, she  
12 developed a case of herpes."

13 Do you see that?

14 A I do.

15 Q And that's true, correct?

16 A Correct.

17 Q Okay. "She indicated her doctor told her it was  
18 one of the worst he had seen."

19 Am I reading that correctly?

20 A Yes.

21 Q And DeAnne Spencer indicated that the sore she  
22 observed on Katie's labium reminded her a lot of a  
23 herpes blister."

24 Now, maybe I misunderstood, but I thought you  
25 had said that you weren't aware of that sore; am I

Objection  
-Testimony  
from p. 127,  
line 128,  
line 16 is  
subject to  
motion in  
limine, see  
dkt. 202 at  
6.  
-Hearsay  
-FRE 402 and  
403.



1 right?

2 MS. FETTERLY: Object to the form. Which sore?

3 MS. ZELLNER: Herpes blister.

4 MS. FETTERLY: Again, which -- there may be a  
5 question about the time period.

6 With that, you can answer if you can.

7 THE WITNESS: I don't know if there were two  
8 sores. The sore that you spoke of where Karen Stone  
9 talked about, I was not aware of that; however, there  
10 was a sore I spoke about in one of my statements that I  
11 had taken Katie to the doctor and said it was a viral  
12 infection and I had -- that's the sore I was referring  
13 to here.

14 BY MR. ZELLNER:

15 Q Okay. And are you aware of whether or not your  
16 ex-husband, Ray Spencer, had been tested for herpes at  
17 any time in that time period up to 1985?

18 A I do not know.

19 Q Now, if you would turn to the next page, page 9  
20 of 22 --

21 A I'm there.

22 Q Okay. Three paragraphs down. "During the phone  
23 conversation I had with DeAnne Spencer prior to going to  
24 California, she had mentioned that while they were  
25 living in Los Angeles, a neighbor girl named Rhonda

Objection  
to  
testimony  
related to  
Rhonda  
Short (p.  
128-129)  
for  
reasons  
stated  
previously  
and Dkt.  
202 at 2-3

1 accused Ray of raping her."

2 Do you see that?

3 A I do.

4 Q "I asked her if she could be more specific about  
5 what that incident involved. DeAnne Spencer related the  
6 following: They lived in Los Angeles for approximately  
7 six years and at that time had neighbors named Jerry,  
8 Roxie and Rhonda."

9 Is that an accurate statement?

10 A Yes.

11 Q Okay. "She indicated Rhonda was 19 years old  
12 when the incident occurred; however, Rhonda was," quote,  
13 "emotionally very, very immature," end quote.

14 Did I read that correctly?

15 A Yes.

16 Q And you testified, if I understood a little  
17 while ago, that Rhonda was 17?

18 A I did.

19 Q Do you deny making the statement that Rhonda was  
20 actually 19 years old?

21 A I do not deny it.

22 Q Did your father molest your daughter, Katie  
23 Spencer?

24 A My father? No.

25 Q Was there -- did your stepfather molest Katie



1 Spencer?

2 A There was an incident with my stepfather.

3 Q Did that occur?

4 A When she was 13.

5 Q And what's your understanding of that incident?

6 A She just -- my understanding is that she was  
7 sleeping on the couch and there was a supposed cat fight  
8 outside and that he apparently came out. And when she  
9 woke up, he was sitting on the couch next to her with no  
10 clothes on, rubbing her face and kissing her cheek and  
11 telling her "I know I shouldn't do this, but you're so  
12 beautiful."

13 Q Your daughter has testified that the incident  
14 actually occurred in her bedroom and that your  
15 stepfather was naked and actually lied (sic) on top of  
16 her and kissed her neck.

17 Would that be your understanding of what  
18 happened?

19 A That's not what she related to me when it first  
20 happened, the day after it happened when I picked her  
21 up.

22 Q And why was this incident not reported to the  
23 police?

24 A I asked my daughter what she wanted to do about  
25 it, if she wanted me to -- to talk to him, if she wanted

1 me to report it to the police, if she wanted me to --  
2 what she wanted me to do. She said, "No. Just forget  
3 about it. Just forget about it."

4 Q And when did -- is it Clifford Day, your  
5 stepfather?

6 A Yes.

7 Q When did he become your stepfather?

8 A 19- -- I don't know. They've been married, I  
9 think, 35 or 36 years.

10 Q And was Clifford Day around Katie when she was  
11 under the age of five?

12 A He was.

13 Q And was he in your home frequently?

14 A No.

15 Q Was he in your home at all?

16 A No. We were always at my mother's house.

17 Q But he was around Katie at your mother's house?

18 A Yes.

19 Q Now, going to Exhibit 11, that is the 10/18/84  
20 Krause report. If you could go to page 3 of that  
21 report.

22 MS. FETTERLY: You said Exhibit 11, Counsel?

23 MS. ZELLNER: Yes.

24 MS. FETTERLY: Okay.

25 THE WITNESS: The one we're on?



1 MS. ZELLNER: Yeah, the one that we looked at  
2 before.

3 THE WITNESS: Okay. Okay.

4 BY MS. ZELLNER:

5 Q If you look at the first full paragraph, it says  
6 "DeAnne Spencer also related that during the meeting  
7 with Detective Flood and also with Katie's therapist,  
8 Katie apparently was not indicating anymore that there  
9 had been something sexual between her and her father."

10 Do you see that statement?

11 A I do.

12 Q And I'm assuming that's a correct statement when  
13 you made it?

14 A Yes.

15 Q If we go to -- you had testified about a hot tub  
16 incident with your son, Matt?

17 A Yes.

18 Q And tell me, again, in that incident what Matt  
19 related to you.

20 A When I finally went out and sat down in the hot  
21 tub with him, the first thing he said was, "Mom" --  
22 "Mommy" -- "Mommy" or "Mom" -- "some of daddy's friends  
23 did that, too."

24 Q And when did this happen?

25 A The night before the two attorneys, Jim Rule and

Objection  
-FRE 402,  
403, and  
802.

Continued  
objection

1 Jim Peters, came up.

2 Q Now, was that in May of 1985?

3 A I believe so, yes.

4 Q Okay. If we look at -- okay. Do you recall  
5 testifying about the hot tub incident or actually giving  
6 a statement about the hot tub incident at any time?

7 A When I met with the two attorneys, I told them  
8 that -- the next day what he had said to me.

9 Q Okay. Do you recall on 10/28/09 making a  
10 statement about the hot tub?

11 A I don't know about the date.

12 Q You feel quite certain that the hot tub incident  
13 occurred prior to the Jim Rule/Jim Peters meeting?

14 A Yes, it did.

15 Q You're positive?

16 A Absolutely. It was the night before.

17 Q When you were being asked about smoking or using  
18 marijuana, did you ever smoke marijuana out of the  
19 presence of your children?

20 A I did.

21 Q And tell me just a little bit about your usage.  
22 And, of course, we're just focused on this time period  
23 in the mid-'80s. Can you describe that for me.

24 A Yes. The first summer they spent with their  
25 father, I -- was the first time I tried marijuana. I